

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARYLYNNE E. BONTA,

Plaintiff,

v.

ORDER
07-CV-735S

ACCOR NORTH AMERICA, INC. ET AL.,

Defendants.

1. On September 11, 2007, Plaintiff Marylynn E. Bonta commenced this action in the Supreme Court for the State of New York, Erie County for injuries Plaintiff allegedly sustained on August 19, 2006 while staying at a Red Roof Inn located in Hamburg, New York. Plaintiff named Accor North America, Inc., Red Roof Inns, Inc., and Red Roof Buffalo I Co. as defendants. The case was removed to this Court on October 31, 2007.

2. On November 9, 2007, the case was referred to the Honorable Hugh B. Scott, United States Magistrate Judge, for pretrial proceedings. On November 14, 2007, Plaintiff filed a Motion to Remand to State Court pursuant to 28 U.S.C. §1441 on the grounds that removal based on diversity, 28 U.S.C. §1332, was improper.

3. On July 8, 2008, Judge Scott filed a Report and Recommendation recommending that Plaintiff's motion be denied. No objections to the Report and Recommendation were received from either party within ten (10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

4. This Court has carefully reviewed Judge Scott's Report and Recommendation as well as the underlying papers and will accept Judge Scott's recommendation.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's Report and Recommendation (Docket No. 19) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Plaintiff's Motion to Remand (Docket No. 10) is DENIED.

SO ORDERED.

Dated: September 18, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge